

# Notice of Allowability

Application No.

10/582,036

Examiner

Tianjie Chen

Applicant(s)

BURKART ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 10/11/2007.
2. ☒ The allowed claim(s) is/are 1-3 and 5-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

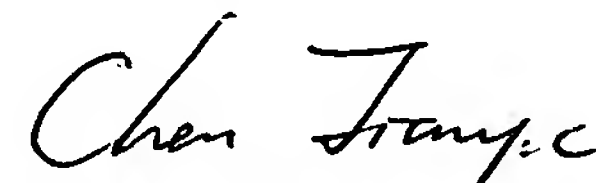
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material         | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

  
**TIANJIE CHEN**  
**PRIMARY EXAMINER**

**REASONS FOR ALLOWANCE**

1. Claims 1-3 and 5-10 are allowed.

The following is an examiner's statement of reasons for allowance:

- With regard to independent claim 1, as the closest reference of record, Fujibayashi et al (US 2004/0008609)/or Omori (US 2003/0081534) shows a recording or reproduction apparatus for optical recording media with means for parallel orientation of the scanning device with respect to the surface of the recording medium, wherein a tensioning element is provided, by means of which a guide rod of the scanning device in an adjustable manner in a plane corresponding to the cross section of the guide rod is fixed on a base plate in order to avoid a force transmission leading to bending the guide rod; the tensioning element is embodied with a lug engaging into a cutout of a shaped portion of the baseplate and as a spring element enclosing the shaped portion; **but fails to show** the spring element being self-retaining.
- With regard to independent claim 6, as the closest reference of record, Fujibayashi et al (US 2004/0008609)/or Omori (US 2003/0081534) shows a recording or reproduction apparatus as described above; **but fails to show** that the tensioning element has a bead provided for a linear fixing of the guide rod on a shaped portion.
- With regard to independent claim 8, as the closest reference of record, Fujibayashi et al (US 2004/0008609)/or Omori (US 2003/0081534) shows a recording or reproduction apparatus as described above; **but fails to show** that of which limbs one limb receives, in a threaded hole, an adjusting screw for

parallel orientation of the guide rod with respect to a surface of the recording medium, and the other limb has a rib and the tensioning element fixes the guide rod in an adjustable manner with the end face of the adjusting screw and in a manner bearing on the rib of the limb of the shaped portion of the baseplate.

- Applicant assert; in this invention a “adjusting arrangement is provided which avoids to the greatest possible extent a force transmission to the guide rod that disadvantageously issues from the fixing or adjusting means” (Specification, p. 1).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**TIANJIE CHEN**  
**PRIMARY EXAMINER**